

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

MICHAEL E. HOGG,)	
)	
Plaintiff,)	
)	
v.)	Case No.: 1:18-cv-05421
)	Honorable Thomas M. Durkin
ALEX JONES,)	
INFORWARSTORE.COM,)	
GLOBAL HEALING CENTER, and)	
DR. EDWARD GROUP,)	
)	
Defendants.)	

**DEFENDANTS' MOTION FOR IMMEDIATE RULING ON THEIR MOTION TO
DISMISS PURSUANT TO LOCAL RULE 78.3**

Defendants, Global Healing Center and Dr. Edward Group (collectively “Defendants”), by and through their attorneys, David S. Waxman and Andrew E. Bollinger (Saul Ewing Arnstein & Lehr, LLP of counsel), submit this Motion for Immediate Ruling on Their Motion to Dismiss Pursuant to Local Rule 78.3, and in support thereof, state as follows:

BACKGROUND

1. Plaintiff, Michael E. Hogg (“Plaintiff” and/or “Hogg”), filed his Complaint for Fraud, Conspiracy to Commit Fraud and Strict Product Liability (“Complaint”) in the Circuit Court of Cook County, Illinois (Docket Number 2017-L-062046) on August 15, 2017. *See* Exhibit “A,” Plaintiff’s Complaint.

2. The Complaint was timely removed to federal court on August 9, 2018. (Doc. 2, Notice of Removal).

3. On November 1, 2018, this Court established a briefing schedule for moving Defendants’ to-be filed motion to dismiss the Plaintiff’s complaint, as follows:

- a. The deadline for the Defendants to file a motion to dismiss was November 2, 2018;
- b. The deadline for the Plaintiff to file a response was November 29, 2018;
- c. The deadline for the Defendants to file a reply is December 20, 2018; and
- d. A status hearing is set for January 20, 2019.

(Doc. 15).

4. In compliance with this briefing schedule, on November 2, 2018, Defendants filed a Motion to Dismiss the Plaintiff's Complaint Pursuant to Fed. R. Civ. Pro. 12(b)(2) and (5) due to lack of personal jurisdiction and insufficient service of process. *See* Exhibit "B," Defendants' Motion to Dismiss.

5. Plaintiff did not file a response to Defendants' Motion to Dismiss by November 29, 2018.

6. In fact, to date, Plaintiff has not filed any opposition to Defendants' Motion to Dismiss.

7. Accordingly, Defendants seek a ruling on their Motion to Dismiss, pursuant to Local Rule 78.3, without the need for further briefing or hearing.

ARGUMENT

8. When a party fails to file a response to a motion, Local Rule 78.3 permits the Court to grant the motion without further briefing or hearings:

Failure to file a supporting or answering memorandum shall not be deemed to be a waiver of the motion or a withdrawal of opposition thereto, *but the court on its own motion or that of a party may strike the motion or grant the same without further hearing.* Failure to file a reply memorandum within the requisite time shall be deemed a waiver of the right to file.

IL R USDCTND LR 78.3 (emphasis added).

9. In the present matter, in accordance to the November 1, 2018 Order, Defendants filed a motion to dismiss on November 2, 2018.

10. Pursuant to the November 1, 2018 Order, the deadline for the Plaintiff to file a response was November 29, 2018.

11. Plaintiff has not filed any opposition to Defendants' Motion to Dismiss.

12. Due to Plaintiff's failure to file a response, the Court may grant Defendants' Motion to Dismiss without further briefing or hearings pursuant to Local Rule 78.3.

13. Accordingly, Defendants respectfully request that the Court grant their Motion to Dismiss *instantly*, without further briefing or hearing.

WHEREFORE, for the foregoing reasons, Defendants, Global Healing Center and Dr. Edward Group, respectfully request that the Court grant Defendants' Motion to Dismiss *instantly*, without further briefing or hearing.

GLOBAL HEALING CENTER &
DR. EDWARD GROUP

By: /s/ David S. Waxman

David S. Waxman (Bar ID #: 6191045)

Andrew E. Bollinger (Bar ID #: 6326604)

Saul Ewing Arnstein & Lehr LLP

161 North Clark Street, Suite 4200

Chicago, IL 60601

(312) 876-7100

david.waxman@saul.com

andrew.bollinger@saul.com

*Attorneys for Defendants, Global Healing Center &
Dr. Edward Group*

CERTIFICATE OF SERVICE

David S. Waxman, an attorney, certifies that he electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to those parties of record in this case.

/s/ David S. Waxman